

Clerk, US District Court
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New Bern, NC 28560

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JUN 16 2014

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JULIE A. FULTON, CLERK
US DISTRICT COURT

NOT IN 301

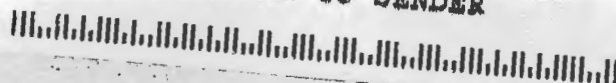
Timothy P. Danehy
P.O. Box 301
Henderson, NC 27544

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JUN 16 2014

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JULIA A. RICHARDS, CLERK
US DISTRICT COURT, EDNC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5: 14 -CV- 60 -FL

FILED

MAY 30 2014

JULIA A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY gfb DEP CLK

TIMOTHY P. DANEHY

Plaintiff,

v.

JAFFE AND ASHER LLP. *et al.*,
LAWRENCE M. NESSENSON and
WILLIAM J. ALLEN *et al.*

Defendant's

PLAINTIFF'S MEMORANDUM IN
OPPOSITION OF DEFENDANT'S
MOTION TO DISMISS

The claims brought forth by the Plaintiff in this case arise from JAFFE AND ASHER LLP, WILLIAM J. ALLEN and LAWRENCE M. NESSENSON (collectively "Defendants") actions, methods and behavior in the collection of an alleged consumer debt. Plaintiff's first amended complaint (docket no. 6) states facts and alleges actions taken by the defendant's which failed to comply with provisions of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§1681 *et. seq.*, the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§1692 *et. seq.*, and the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §§227 *et. seq.*

Plaintiff opposes Defendant's motion to dismiss pursuant to F.R.C.P. 12(b)(4) and (6), and in the interest of justice plaintiff moves the court to deny the

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BY [Signature] DEP CLK

TIMOTHY P. DANEHY

Plaintiff,

v.

JAFFE AND ASHER LLP. *et al.*,
LAWRENCE M. NESSENSON and
WILLIAM J. ALLEN *et al.*

Defendants

DECLARATION OF TIMOTHY P.
DANEHY IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS MOTION TO DISMISS

Timothy P. Danehy declares, under penalty of perjury, pursuant to 28 U.S.C.
§ 1746, that the following is true and correct:

1. I submit this declaration in support of plaintiff's opposition to defendant's motion to dismiss.
2. I am the plaintiff in the above named action.
3. I saw that Jaffe and Asher pulled my consumer credit report from Trans Union
4. I received messages on my answering machine at 5:02 PM and 6:21 PM on March 20, 2014 from Nessenson.
5. I called Nessenson at 2:42 PM on March 21, 2014